



Saint Paul Planning Commission

City Hall Conference Center Room 40
15 Kellogg Boulevard West

Agenda

Christopher B. Coleman,
Mayor

July 8, 2011
8:30 – 11:00 a.m.

Saint Paul
Planning Commission

Chair

Jon Commers

First Vice Chair

Barbara A. Wencil

Second Vice Chair

Paula Merrigan

Secretary

Anthony Fernandez

I. Approval of minutes of June 24, 2011

II. Chair's Announcements

III. Planning Director's Announcements

IV. PUBLIC HEARING: Solar Energy Systems Zoning Code Amendments – Item from the Neighborhood Planning Committee. (*Kate Reilly, 651/266-6618*)

V. Zoning Committee

SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

NEW BUSINESS

#11-238-977 Victoria Park II – Rezoning from I3 Restricted Industrial to T3M Traditional Neighborhood. 852 Hathaway Street area bounded by 35E, Shepard Rd, Otto, and Adrian Street. (*Lucy Thompson, 651/266-6578*)

#11-239-001 Victoria Park Master Plan Modification – Major modification of the Victoria Park Master Plan. 852 Hathaway Street, area bounded by 35E, Shepard Road, Otto, and Adrian Street. (*Lucy Thompson, 651/266-6578*)

#11-143-721 City of St. Paul – Rezoning from OS Office Service to B2 Community Business. 745 White Bear Avenue North, SW corner at Reaney. (*Matt Wolff, 651/266-6708*)

#11-143-927 Nicole Cherry – Variances of parking lot and driveway set back standards for an 8-space parking lot. 745 White Bear Avenue North, SW corner at Reaney. (*Matt Wolff, 651/266-6708*)

#11-235-029 Allan and Bernetta Miller – Re-establishment of nonconforming use as triplex. 998 7th Street East, SE corner at Cypress. (*Kate Reilly, 651/266-6618*)

#11-238-488 Traditions SP Land LLC – Conditional Use Permit for a 170-unit assisted living facility. 1554 Midway Parkway between Snelling and Arona. (*Josh Williams, 651/266-6659*)

VI. Saint Paul Housing Program Update – Informational presentation by Allen Carlson, Director of Housing, PED. (*Allen Carlson, 651/266-6616*)

Pat Connolly
Gene Gelgelu
Bree Halverson
Richard Kramer
Gaius Nelson
Christopher Ochs
Trevor Oliver
Julie Perrus
Marilyn Porter
Elizabeth Reveal
Anthony Schertler
Robert Spaulding
Terri Thao
Jun-Li Wang
Daniel Ward II
David Wickiser
Roxanne Young

Planning Director
Donna Drummond

VII. Comprehensive Planning Committee

VIII. Neighborhood Planning Committee

IX. Transportation Committee

X Communications Committee

XI. Task Force Reports

XII. Old Business

XIII. New Business

XIV. Adjournment

Information on agenda items being considered by the Planning Commission and its committees can be found at www.stpaul.gov/ped, click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &
Heritage Preservation Commission
MASTER MEETING CALENDAR**

WEEK OF JULY 4-8- 2011

Mon (4) _____ FOURTH OF JULY HOLIDAY OFFICE CLOSED



Tues (5) _____
4:00- **Comprehensive Planning Committee** **HAS BEEN CANCELLED**
5:30 p.m. (*Penelope Simison, 651/266-6554*)

Weds (6) _____
8:00 a.m. **District del Sol Small Area Plan Task Force** **HAS BEEN CANCELLED**
(*Kate Reilly, 651/266-6618*)

Thurs (7) _____

Fri (8) _____
8:30- **Planning Commission Meeting** **Room 40 City Hall**
11:00 a.m. (*Donna Drummond, 651/266-6556*) **Conference Center**
15 Kellogg Blvd.

PUBLIC HEARING: Solar Energy Systems Zoning Code Amendments – Item from the
Neighborhood Planning Committee. (*Kate Reilly, 651/266-6618*)

Zoning..... SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

NEW BUSINESS

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Neighborhood. 852 Hathaway Street, area bounded by 35E, Shepard Rd, Otto, and
Adrian Street. (*Lucy Thompson, 651/266-6578*)

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#11-238-488 Traditions SP Land LLC – Conditional Use Permit for a 170-unit assisted living facility. 1554 Midway Parkway between Snelling and Arona. (*Josh Williams, 651/266-6659*)

Informational Presentation.... **Saint Paul Housing Program Update** – Informational presentation by Allen Carlson, Director of Housing, PED. (*Allen Carlson, 651/266-6616*)

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes June 24, 2011

A meeting of the Planning Commission of the City of Saint Paul was held Friday, June 10, 2011, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Perrus, Reveal, Thao, Wencil, Young; and Messrs. Connolly, Fernandez, Kramer, Nelson, Ochs, Oliver, Spaulding, Ward, and Wickiser.

Commissioners Absent: Mmes. *Halverson, *Porter, *Wang, and Messrs. *Commers, *Gelgelu, and *Schertler.

*Excused

Also Present: Donna Drummond, Planning Director; Emily Goodman, Public Works; Ellen Stewart &, Don Varney, Parks & Recreation; Joe Musolf, Patricia James, Allan Torstenson, Kate Reilly, Luis Pereira, Sarah Zorn, Marty McCarthy, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes June 10, 2011.

MOTION: *Commissioner Thao moved approval of the minutes of June 10, 2011. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Commissioner Wencil, who is the Commission's first vice chair, chaired the meeting. She had no announcements.

III. Planning Director's Announcements

Donna Drummond said that a Central Corridor small business forgivable loan program was announced last week. This is a program targeted to small retail businesses along Central Corridor that have less than two million dollars in annual gross sales on University Avenue or within a block of University and are affected by construction. These businesses can apply for a twenty thousand dollar forgivable loan. Over the next month there are 8 workshops scheduled so that business owners can get more information about this program.

The Mayor sent out an announcement about the potential impact of a state government shut down and the possible delay of the City's expected \$31 million local government aid payment, which the City is expecting on July 20th. To put this in context, police and fire protection services for the City constitute 58% of general fund spending and LGA is 28% of the general fund.

IV. PUBLIC HEARING: Smith Avenue Revitalization Area Plan – Item from the Neighborhood Planning Committee. (Kate Reilly, 651/266-6618)

Chair Wencil announced that the Saint Paul Planning Commission was holding a public hearing on the Smith Avenue Revitalization Area Plan. Notice of the public hearing was published in the Legal Ledger on May 23, 2011, and mailed to the citywide Early Notification System list of recipients and other interested parties.

Kate Reilly, PED staff person gave a brief presentation about the Smith Avenue Revitalization Area Plan. The old Smith Avenue plan was to be decertified in 2008. Upon notification of this the community organizations REDA, NeDA and WSCO asked the City to update the plan. The City of Saint Paul, REDA, NeDA, WSCO and the City of West Saint Paul decided to collaborate on a new plan. The planning effort received financial support from the City of Saint Paul, City of West Saint Paul, and Dakota County. A steering committee and larger community task force were formed. The task force was selected by application making sure there was a good mix of residents and business owners on both sides of the city line. The plan focuses on Smith Avenue between the High Bridge and Dodd Road. It identifies goals to be accomplished over the next 10 to 15 years and it will be adopted as an amendment to each city's Comprehensive Plan. The City of West Saint Paul has already approved the plan and forwarded it on to the Metropolitan Council for its approval. Ms. Reilly showed a map of the study area. She talked about the seven themes that the plan covers, which includes community character, commercial vitality, land use, transportation, parks and recreation, housing and historic preservation. There is also an implementation section with action steps that is an important part of the plan.

Highlights of the plan include: starting a community festival that is shared between the two cities; creating a branding guide and implementation plan; supporting and retaining the current business mix; establishing a new business association or strengthening the existing business association; and maintaining current patterns of development on Smith Avenue. The task force discussed the need for a different pattern of development, including possibly more density along Smith Avenue. The neighborhood and business owners agreed that they liked the mix of residential and commercial that they have along the avenue. Therefore there is no zoning study that accompanies this plan. Other recommendations include establishing traffic calming measures, increasing use of and access to parks, maintaining and improving residential properties, and most importantly ensuring that the view of the State Capitol is preserved. Implementation will be carried out by the two cities, REDA, NeDA, and WSCO as identified in the implementation section of the plan. It will take place as funding permits.

WSCO recommended the plan to the Saint Paul Planning Commission on March 14, 2011. The West Saint Paul City Council approved the plan May 23, 2011. Today the Planning Commission is holding the public hearing. It is anticipated the Planning Commission will recommend the plan to the City Council in July, and City Council will approve the plan pending Metropolitan Councils approval in August.

Chair Wencil read the rules of procedure for the public hearing.

The following person spoke.

1. Ms. Darlene Lewis, West Saint Paul City Council member, Co-Chair of the Smith Avenue Task Force and part of the Steering Committee. She said that the plan has been a long time in the making, starting over 2-years ago to bring residents and the business community together. Once they received funding they were able to develop the plan. Ms. Lewis has a strong interest in this because she lives on Smith Avenue in West Saint Paul not far from Dodd Road which is the southern boundary of the plan area. She has lived her whole life on either side of the river, growing up on the other side of the river in the west end area. Ms. Lewis has seen the changes over time and she really respects the history of the avenue and she sees where they can be making some good decisions on moving forward with this. She thanked the City of Saint Paul, the planning staff, especially Kate Reilly, and also REDA, NeDA, and WSCO for their work on this.

MOTION: Commissioner Young moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, June 27, 2011, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Oliver seconded the motion. The motion carried unanimously on a voice vote.

V. Zoning Committee

SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

One item came before the staff Site Plan Review Committee on Tuesday, June 21, 2011. St. Paul Federal Credit Union located at 1664 University Avenue West, add drive thru window and lane, reorganize parking, and rebuild lot.

Two items will come before the staff Site Plan Review Committee on Tuesday, June 28, 2011. Celtic Junction Parking Lot located at 836 Prior Avenue North, addition and remodeling; United Child Care located at 519 University Avenue West, parking lot.

OLD BUSINESS

#11-129-965 Capitol Lien & Title – Determination of similar use for vertical wind turbines in the B3 general business district. 1010 Dale Street North, between Lawson and Hatch. (Kate Reilly, 651/266-6618)

MOTION: Commissioner Kramer moved the Zoning Committee's recommendation to approve the determination of similar use for four roof-mounted vertical wind turbines subject to additional conditions. The motion carried unanimously on a voice vote.

NEW BUSINESS

#11-149-363 Nuchami Hurshuajer – Re-establishment of nonconforming use as a duplex. 393 Geranium Avenue East, NW corner at Arkwright. (Sarah Zorn, 651/266-6570)

MOTION: Commissioner Kramer moved the Zoning Committee's recommendation to approve the re-establishment of legal nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.

#11-148-456 City House – Re-establishment of nonconforming use as a reception hall in the FW Floodway District. 258 Mill Street south side of intersection of Walnut and Mill Street. (Josh Williams, 651/266-6659)

Commissioner Kramer reported that the Zoning Committee laid this case over to the July 14, 2011 meeting.

#11-148-409 City House – Conditional Use Permit for a reception hall. 258 Mill Street south side of intersection of Walnut and Mill Street. (Josh Williams, 651/266-6659)

Commissioner Kramer reported that the Zoning Committee laid this case over to the July 14, 2011 meeting.

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on Thursday, June 30, 2011.

VI. Comprehensive Planning Committee

Commissioner Merrigan had no report.

VII. Neighborhood Planning Committee

Commissioner Wencil had no report.

VIII. Transportation Committee

Regional Solicitation of Federal Transportation Projects - Adopt resolution recommending approval to the City Council. (Emily Goodman, 651/266-6059)

Commissioner Spaulding reported that the Transportation Committee reviewed over a dozen projects and the City is applying to the Metropolitan Council for federal transportation dollars. A summary of those projects is labeled "Attachment A." As a new committee, this is the first time that the Transportation Committee has been involved in this process, so they have worked with staff to determine an appropriate process for review. Most of the projects in "Attachment A" include a notation for the accommodation of the various modes of transportation. There were three additional projects added to the list since the Committee has reviewed this.

Commissioner Merrigan asked what is meant by the initials STP. Commissioner Spaulding said Surface Transportation Program.

Commissioner Connolly asked whether Raymond Avenue work would close the street any time during the state fair or during light rail construction.

Donna Drummond, Planning Director, said that these are funds that are available in 2015 and 2016, so it wouldn't coincide with light rail construction. Also Ms. Drummond asked how many projects the City might expect to have funded off of this list.

Emily Goodman, Public Works staff, said that they do their best to keep as much of a given roadway open and shift around traffic as much as possible and also be sensitive to events going

on. For example, the work being done on Snelling would be scheduled around the state fair. In terms of how many projects will be funded, the City usually gets a handful of projects funded, though there is a range. Some of the projects they have that are in the same category will be competing against each other, but that is not a bad thing because they rank the projects and draw a line above which projects will be funded. In years past the City has sometimes had projects just under the funding line. In short, the number of funded projects remains to be seen and there are other agencies competing for these funds.

Commissioner Ochs said in regards to the Great River Park-Lilydale Master Plan Amendment, is it both a roadway and a bicycle trail and is the design of the roadway to include bicycle lanes?

Ellen Stewart, Parks & Recreation staff, said that the roadway will have bike lanes on it, but this is actually a request for money to fund the off-road bike trail and pedestrian walkway.

Commissioner Ward said some of these road improvements are for state rights-of-way. Has there been any coordination with the state as far as turn lanes, access, roadway cuts and things of that sort?

Ms. Goodman said that they have been working to coordinate with other agencies. There are negotiations of who submits for the roads that are literally over lapping and not just crossing. So they are coordinating and talking.

Commissioner Oliver asked why the off-road trails are so pricey.

Don Varney, Parks & Recreation said that the federally funded projects cost a little more, especially in the case of trails, because they have to use engineering standards and it essentially becomes a road project, so all of the curves and all of the vertical and horizontal curves have to be engineered. Also they always build the trails so that vehicles can drive on them for maintenance purposes.

Commissioner Young said regarding the Great River Park connection from Harriet Island to South Saint Paul, is that the proposal that's going along the top of the levy or is it about going around the airport? How is that connection being made?

Mr. Varney said that it is about both of these things. The proposed route starts where the trail connection is at Harriet Island and then goes along Plato Blvd and crosses over to the south side of Plato and then gets on top of a levy as it goes along the airport there. Because there is an existing flood levy closure with a railroad crossing underneath, rather than try to breach that impasse, they decided to come down from the levy and use the right-of-way. The Metropolitan Airports Commission has given them a verbal okay that they are supportive of the trail going through there. So coming down the levy they will be on the shoulder of the road that goes along the airport.

Commissioner Young said that in the West Side the conversation has been how do we connect the people who are to the east of Robert Street to the river. Is there a way from Barge Channel Road or from South Port that there would be that connection to Cesar Chavez or to Concorde or would someone have to go all the way down to Plato and then come over?

Mr. Varney said he would have to take a closer look at that. One of the criteria, when making

these applications is whether there has been thought about how it connects to the neighborhood and how valid is the justification for putting this in as a transportation mode rather than as a recreation mode. In addressing that they are going to look at where those connections can be made. Initially the strongest connection is at Plato and then at South Saint Paul through their landing park.

Commissioner Connolly said regarding Lilydale, what is the status of the dog park?

Ms. Stewart explained that they are looking at the phasing currently and the funding they have is broken up into a few different grants and funding mechanisms. The funding request is to get some of the main infrastructure and roadway in and then the shelter. It has not been determined if they have money for the dog park. It is dependent on when they do the shore line restoration in that area or if they can do it independent of that. It is being considered.

Commissioner Ward asked if there was a budget report or something that is published to let the citizens who are complaining, calling and sending letters know why these improvements cost so much and why tax dollars are being spent on this?

Ms. Stewart said that they do have a budget that is published, but she is not sure how aware the general public is of cost and of how things are decided, especially in terms of construction sequencing and the things that need to happen first. The information is out there and if people ask they can supply it to them. However, Ms. Stewart is not sure that just supplying the information is necessarily enough, there is more of a story to it, and more of an understanding needed. The City has hired professionals to make decisions with the input of what people want from the City. The Parks staff make decisions based on the funding that is available and what's reasonable and the type of sequencing that needs to happen.

Commissioner Ochs commented that there is concern about money and being transparent to the citizens of Saint Paul. And in all cases parks are an important piece of the infrastructure. Creating these trail systems and parks gives citizens an avenue, a resource that they can capitalize on for their own personal growth. And in these difficult economic times there needs to be an alternative outlet for those who can't afford to take vacations or things like that. There needs to be local resources for people to fall back on.

MOTION: *Commissioner Spaulding moved the Transportation Committee's recommendation to approve the resolution with the additional projects and recommend them to the City Council. The motion carried unanimously on a voice vote.*

Commissioner Spaulding announced that the next Transportation Committee meeting on Monday, June 27, 2011 has been canceled.

IX. Saint Paul's Neighborhood Stabilization Program – Informational presentation on current status by Joe Musolf and Allen Carlson, PED staff. (*Joe Musolf, 651/266-6594, and Allen Carlson, 651/266-6616*)

Joe Musolf, PED staff gave an overview of the Neighborhood Stabilization Program (NSP). Mr. Musolf works exclusively with the Neighborhood Stabilization Program, along with about 8 other PED staff members. In August 2008 Congress passed the Housing Economic Recovery Act, often also referred to as the "housing stimulus package". This law included a \$4 billion line item

directing HUD to provide emergency assistance for redevelopment of abandoned and foreclosed homes and residential properties. Mr. Musolf reminded the Commissioners that this is not a foreclosure prevention program. Rather, these funds are to help municipalities such as Saint Paul address the physical aftereffects of foreclosures in neighborhoods. Eligible uses of these funds are to acquire properties for rehabilitation or to acquire, demolish and land bank those vacated, razed lots and use the funds to assist in the redevelopment of those properties in the future. The outcomes with NSP are residential. It can be homeownership or rental, single-family or multi-family. Some of the dollars must be spent to produce housing for households at or below 50% Area Median Income (AMI), but most are targeted for households at or below 120% of the AMI.

In February 2009 Congress passed the American Recovery and Reinvestment Act, also known as the "stimulus package". This contained an additional \$2 billion for NSP. This second NSP has an added condition from the federal government that states along with using these funds to implement this housing program, these funds should be creating and retaining jobs. In July 2010 Congress directed a third allocation to NSP, this time \$1 billion, as part of the Wall Street Reform and Consumer Protection Act also known as the "Dodd Frank Act". Across all the federal NSP programs, Saint Paul has received a little over \$31 million of NSP funds which have five different reporting requirements, and five different minor rule differences between them. They have five different time frames that they are working in and they also have three different eligible geographies. Mr. Musolf showed a series of maps that illustrate where they are working with this \$31 million and in each circumstance when the funds were offered to the City of Saint Paul, either through formula or through an opportunity to compete in a national competitive grant process, they had to define geography to invest those funds. The HRA has about 200 properties in the program, and the Neighborhood Stabilization Program will entail about 10 years of activity by the City. The City is under tremendous schedule challenges by HUD to get funds out the door quickly up front and then do more work through program income that they expect to receive from property sales over the 10 years in diminishing quantities of returns. They anticipate that throughout the whole NSP work in Saint Paul they will touch between 340-440 properties. Mr. Musolf stressed that this is by no means a silver bullet to address all the issues that neighborhoods are challenged with due to foreclosure.

They are concentrating their activity on rehabs first and they expect to be engaged in new construction at a later date. Approximately 75% of the NSP activity will be rehab and the remaining will be in new construction. Most of the outcomes will be ownership and that will be done almost exclusively in single-family homes. Some of the outcomes will be rental and that will be accomplished almost exclusively in multi-family.

Mr. Musolf pointed out that for these 340-440 homes they are carrying out the work primarily in two manners. A lot of the rehabs are with the HRA as the developer. The HRA is financing the acquisition and the rehabilitation work and will ultimately be the seller of the home to end homeowners. The NSP rental activity has been in partnership with private for- and non-profit developers. They are doing some work with Habitat for Humanity and they are now starting some partnerships with private developers for homeownership.

Commissioner Thao asked about the outcomes around job creation as a result of NSP1 and NSP2 to date and whether any community members were involved.

Mr. Musolf did not have the data with him, but he does have to report on it quarterly, specifically associated with the NSP2 grant. He has been able to capture some really important data about the

construction jobs. But there is another aspect of it; every one of these homes is touched by an appraiser, a realtor, by other marketing people and certainly by City staff. There is an impressive list of job creation and retention associated with it. Also it is their preference to keep all of this work as local as possible. They have been successful in encouraging their general contractors to purchase through Saint Paul suppliers. NSP3 has a new provision in it that mandates some effort to assure "vicinity hiring" opportunities.

Commissioner Reveal asked whether the division between the less than 50% AMI and the less than 120% AMI is within the City's discretion or whether there are federal guidelines requiring a certain minimum or maximum percentage.

Mr. Musolf said that is set by HUD. They state that at least 25% of all the NSP funds have to be spent to produce housing for households at or below 50% AMI. So the City has targeted in excess of that, knowing that they have to comply with that. About 30% of program dollars are being spent for that income bracket.

Commissioner Fernandez asked Mr. Musolf the approximate percentage where the HRA is acting as the developer, or is there a projection of what this will be for the total number of properties that will be dealt with through the program. Is there a guideline on that?

Mr. Musolf said some of this is that they are rolling as they go and they are acting under the direction of the HRA Board. Everything they do is cleared through the board. The HRA is not intending to be engaged in any sort of rental ownership so that portion of the program that has rental outcomes will be exclusively handled in partnerships with private developers. Work being done for home ownership has been almost exclusively to date with HRA as developer. They are trying to expand the volume of work through this program, but he does not have number.

Commissioner Ward thanked Mr. Musolf and staff for all their hard work and to continue doing a good job.

X. Communications Committee

Commissioner Thao had no announcements.

XI. Task Force Reports

None.

XII. Old Business

None.

XIII. New Business

None.

XIV. Adjournment

Meeting adjourned at 9:55 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Anthony Fernandez
Secretary of the Planning Commission

Butler\planning commission\minutes\June 24, 2011



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-228-3220*

Date: May 18, 2011
To: Planning Commission
From: Neighborhood Planning Committee
Subject: Draft Solar Energy Systems Zoning Code Amendments

Background

In 2008 the Cities of Saint Paul and Minneapolis received a U.S. Department of Energy Solar America Cities grant to identify strategies that will result in solar-friendly policies, practices and regulations. Policy LU-3.19 in the Saint Paul Comprehensive Plan calls for study of "tools, techniques, and regulations to facilitate increased usage of solar energy systems, either as standalone systems or as supplements to conventional energy sources." § 60.103(k) of the Zoning Code states that a purpose of the Zoning Code is "to promote the conservation of energy and the utilization of renewable energy resources."

The Zoning Code treats solar energy systems as a permitted accessory use in all zoning districts under the definition of *accessory use* in § 65.910. The code does not separately list solar energy systems as an accessory use, just as it does not separately list air conditioners, ventilation equipment, and similar equipment. A solar energy system mounted on a building is subject to the dimensional standards that apply to the building. A freestanding solar energy system is subject to the dimensional and locational standards that apply to an accessory structure.

This current practice in Saint Paul appears to be a good balance between providing for solar energy systems and adequately regulating them. There is no evidence that it is a barrier to use of solar energy systems. Neither is there evidence that solar energy systems installed under existing regulations are inconsistent with the intent and purpose of the Zoning Code to promote and protect the public health, safety and general welfare.

Before permits are issued for installation of a solar energy system in Saint Paul, the plans and construction drawings are reviewed by Department of Safety and Inspections plan review and zoning staff and the structural engineer to ensure code compliance. Required documentation includes a building permit application, engineering plans showing the framing system and how it is attached to a building, location on a building, elevations, and a site plan if it is located in a yard rather than on a building. A separate electrical permit is required for photovoltaic systems, and a mechanical permit is required for thermal systems.

This memo outlines types of solar installations, reviews zoning regulations pertaining to solar energy systems in Saint Paul other cities, and makes recommendations for Saint Paul Zoning Code amendments that may improve or clarify regulations in the code pertaining to solar energy systems.

Research and Analysis

Most solar installations fall into two categories: building mounted and freestanding. Building mounted units are typically oriented to capture the bulk of the day's sunlight. Freestanding units may rotate and adjust angles to follow the sun.

Building mounted solar energy systems are typically permitted in all zoning districts (Ithaca, NY; Minneapolis; Roseville, CA; Saint Paul). Zoning regulations for building mounted solar energy systems commonly address setbacks, roof coverage, and height.

In Minneapolis, building mounted solar energy systems must be set back at least one foot from the exterior perimeter of a roof for every one foot that the system extends above the roof. The Minnesota model ordinance recommends that the system not extend beyond the exterior perimeter of the building. Saint Paul regulations simply treat building mounted systems as part of the building, subject to the same standards as any other part of the building.

The Minnesota model ordinance suggests restricting the amount of roof coverage to not more than 80 percent of the roof. Minneapolis considered this in a draft, but deleted this restriction in their adopted ordinance. Seattle restricts all rooftop equipment to no more than 15 percent total roof coverage. Saint Paul does not restrict the amount of a roof that can be covered by a solar energy system.

Height restrictions for building mounted solar energy systems vary from city to city. In Seattle and Minneapolis, solar collectors can rise above the maximum height for the district. The Minnesota model ordinance recommends not exceeding the maximum height for the district. Roseville, CA, and Saint Paul restrict solar energy systems to the maximum height for the district. This allows more height for solar systems in zoning districts with higher height limits. In commercial and industrial districts it also allows more height for solar panels that are set back more, thereby limiting their visual impact.

For historic structures and homes, the Minnesota model ordinance recommends a conditional use permit, but Minneapolis does not do this. Design guidelines for solar installations have been established by some cities. Generally, the National Trust for Historic Preservation recommends taking each installation application case by case and looking at screening, minimizing the visual effect of the installation and using materials that appear similar to others in use on the structure or in the area. For cities with certified local heritage preservation programs, this review is best done by the Heritage Preservation Commission, which is what is done in Minneapolis and Saint Paul.

Freestanding or active solar energy systems are generally permitted in all districts and generally regulated as an accessory use (Ithaca, MN model, Minneapolis, Saint Paul). A site plan may be required.

All of the compared cities prohibit free standing solar energy systems in a front yard, and apply the requirements for accessory uses. Saint Paul allows accessory buildings to cover no more than 35% of a rear yard, and a maximum of 3 accessory buildings on lots containing one- and two-family dwellings. Seattle also restricts solar energy systems to no closer than five feet from any principal or accessory structure, and has a specific minimum setback from property lines.

Height restrictions for freestanding solar energy systems vary from city to city. In Roseville, CA the height must conform to maximum height standards for the district. In Minneapolis and Ithaca the height limit is 20 feet. Santa Barbara limits freestanding solar energy system heights to 12 or 18 feet depending on the district. Seattle is less restrictive for free standing systems, allowing them to extend up to nine feet above the height limit established for the zoning district. The Minnesota model ordinance currently recommends that the height of free standing systems not exceed 15 feet when oriented at maximum tilt, but based on experience and feedback the MPCA is planning to change the height limit to 20 feet. Saint Paul limits accessory buildings with flat or shed roofs in residential districts to 12 feet in height; accessory buildings in commercial and industrial districts are subject to the same height standards as principal structures.

Freestanding solar energy systems must be removed within 12 months of cessation of operations in Minneapolis. Other cities do not include this provision.

The Minnesota model ordinance recommends solar energy system compliance with building and electrical codes, and that they be able to withstand 90 miles per hour winds. Minneapolis refers to building and electrical code compliance, but is silent regarding wind. Compliance with building and electrical codes is a requirement without it being referred to in a zoning code.

Recommendations

The Neighborhood Planning Committee recommends that solar energy systems continue to be permitted in all zoning districts as an accessory use, with building mounted systems subject to the dimensional standards that apply to the building, and freestanding systems subject to the standards that apply to accessory structures. "*Solar energy system*" should be specifically added to the accessory uses listed under Article VII, 65.900, Accessory Uses to clarify this, and to clarify that ground-mounted freestanding solar energy systems are treated as accessory *buildings* with flat or shed roofs for the purpose of maximum height, maximum lot area coverage, and location requirements.

Most uses listed in the Zoning Code are not separately defined in the code because they are commonly understood, adequately for the purposes of the Zoning Code, without a special, unique definition. This is the case for the phrase *solar energy system*.

The committee also recommends deleting the word *mechanical* in § 63.110(e) to make it clear that this general design standard for rooftop equipment applies to solar energy systems that are not mechanical systems, and further recommends amending § 63.110(e) to change the word *visibility* to *visual impact*. Minneapolis regulations specifically state that "screening of solar energy systems shall not be required." This amendment helps make it clear that § 63.110(e) doesn't require screening to reduce *visibility* of rooftop equipment, but rather requires reducing the *visual impact*, which can be done through such things as location and integration into the roof design as well as by screening. Trying to be more dimensionally specific than we already are with height limits about how to reduce the visual impact of rooftop equipment could easily be more detailed and complex than it's worth, and result in many specific situations where such dimensional standards would be unreasonable.

The Neighborhood Planning Committee recommends that the Planning Commission release the following draft amendments for public review and set a public hearing date for July 8, 2011.

Recommended Zoning Code Amendments

Sec. 63.110. Building design standards.

- (e) The ~~visibility~~ *visual impact* of rooftop ~~mechanical~~ equipment shall be reduced through such means as location, screening, or integration into the roof design. Screening shall be of durable, permanent materials that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.

Sec. 65.921. Solar energy system.

Standards and conditions:

- (a) Building mounted systems shall be subject to the dimensional standards that apply to the building. Additionally, building mounted systems in residential districts shall not extend above the ridge of a gable, gambrel, hip or mansard roof, and shall not extend more than twelve (12) feet above the surface of a flat or shed roof.
- (b) Freestanding systems shall be treated as accessory buildings with flat or shed roofs for the purpose of maximum height, maximum lot area coverage, and location requirements; provided that freestanding systems in residential districts shall not exceed twelve (12) feet in height within ten (10) feet of a property line, with additional height equal to additional setback from property lines permitted to a maximum height of twenty (20) feet.

Sec. 65.924. Support services in housing for the elderly.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: July 1, 2011
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of June 30, 2011 Zoning Committee Hearing

NEW BUSINESS

1. **Victoria Park II (11-238-977)**
Rezoning from I3 Restricted Industrial to T3M Traditional
Neighborhood (Master Plan), T3 Traditional Neighborhood and I1
Light Industrial

Address: 852 Hathaway St
Area bounded by 35E, Shepard Rd, Otto,
and Adrian St.

District Comment: District 9 recommended approval

Support: 1 person spoke, 0 letters

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Approval

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
Approval	Approval (5 - 0)

2. **Victoria Park Master Plan Modification (11-239-001)**
Major modification of the Victoria Park Master Plan

Address: 852 Hathaway St
Area bounded by 35E, Shepard Rd, Otto,
and Adrian St.

District Comment: District 9 recommended approval

Support: 1 person spoke, 0 letters

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Approval

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
Approval	Approval (4 - 1) (Nelson)

		<u>Recommendation</u>	
		<u>Staff</u>	<u>Committee</u>
3.	City of St. Paul (745 White Bear Ave) (11-143-721) Rezoning from OS Office-Service to B2 Community Business Address: 745 White Bear Ave N SW corner at Reaney District Comment: District 2 recommended approval Support: 1 person spoke, 0 letters Opposition: 1 person spoke, 3 letters Hearing: Hearing is closed Motion: Approval	Approval	Approval (5 - 0)
		<u>Recommendation</u>	
		<u>Staff</u>	<u>Committee</u>
4.	Nicole Cherry (11-143-927) Variances of parking lot and driveway setback standards for an 8-space parking lot Address: 745 White Bear Ave N SW corner at Reaney District Comment: District 2 recommended approval Support: 1 person spoke, 0 letters Opposition: 1 person spoke, 3 letters Hearing: Hearing is closed Motion: Approval with conditions	Approval with conditions	Approval with conditions (5 - 0)
		<u>Recommendation</u>	
		<u>Staff</u>	<u>Committee</u>
5.	Allan and Bernetta Miller (11-235-029) Re-establishment of nonconforming use as a triplex at 998 E. 7th St. Address: 998 7th St E SE corner at Cypress District Comment: District 4 recommended approval Support: 0 people spoke, 1 letter Opposition: 0 people spoke, 0 letters Hearing: Hearing is closed Motion: Approval with conditions	Approval with conditions	Approval with conditions (5 - 0)

		<u>Recommendation</u>	
		<u>Staff</u>	<u>Committee</u>
6.	Traditions SP Land LLC (11-238-488) Conditional use permit for a 170-unit assisted living facility	Approval	Approval (5 - 0)
	Address: 1554 Midway Pkwy between Snelling and Arona		
	District Comment: District 10 recommended approval		
	Support: 1 person spoke, 0 letters		
	Opposition: 0 people spoke, 0 letters		
	Hearing: Hearing is closed		
	Motion: Approval		

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, the Saint Paul Housing and Redevelopment Authority, File # 11-238-977, has applied for a Rezoning from I3 Restricted Industrial to T3M Traditional Neighborhood (Master Plan), T3 Traditional Neighborhood and I1 Light Industrial under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 852 Hathaway St, Parcel Identification Numbers (PIN) 142823120011, 142823130003, 142823240003, 142823210033, and 142823120027. legally described as Section 14 Town 28 Range 23 Ex C M St P & P Rr 100 Ft R/w, The Fol; Lots 1 Thru 5 & Lots 7 & 8 Blk 2 J N Rogers' 2nd Add & Beg On L 500 Ft Swly & Par To Swly L Riverside Add No.2 At Low Water L Miss Riv Th Nwly On Sd Par L To Pt Int With N L Of S 600 Ft O; Section 14 Town 28 Range 23 The N 780 Ft Of Govt Lot 2 Lying Ely Of A L Desc As Beg At Intersection Of S L Of N 780 Ft & Sely Line Of Crosby Lake Business Park 2nd Add Th N 31 Deg 55 Min 46 Sec Ne 103.61 Ft; Mol Th N 51 Deg 26 Min 12 Sec Ne 213.58 Ft; Th N 29 Deg 55 Min 17 Sec Ne 91; Section 14 Town 28 Range 23 A 7300 Sq Ft Mol Lease Located Under Ry Bridge No L-1604 On A 100 Ft Ry R/w Across The Nw 1/4 Of Sec 14 Tn 28 Rn 23; J N Rogers Second Addition Lot 6 Blk 2; and Section 14 Town 28 Range 23 Ex 53500 Sq Ft Lease No.24589 & Ex Lease 24637; Subj To Rd Esmt, A 100 Ft Ry R/W Across West End Addn Reg Land Survey No.330 Govt Lots 1 & 2 And In Ne 1/4 Of Nw 1/4 The Cl Desc As Beg On N Line Of Sd Govt Lot 1 Dist 112.37 Ft; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 30, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The Saint Paul Housing and Redevelopment Authority is requesting the rezoning of five (5) parcels to complete T3M zoning for the Victoria Park Urban Village (covered by the *Victoria Park Master Plan*) and to connect the new park in the Victoria Park Urban Village to the Mississippi River. The subject parcels include two parcels owned by the Saint Paul Housing and Redevelopment Authority, one parcel owned by Texaco but in the process of being purchased by the City, and two parcels owned by the Soo Line Railroad. One of the railroad parcels (PIN #142823120027) will be split-zoned between T3M and I1, so that it is zoned the same as adjacent land.
2. The proposed zoning is consistent with the way this area has developed. T3M zoning is consistent with development that has occurred to-date in the Victoria Park Urban Village, which is predominantly medium-density residential with some commercial (and zoned T3M). T3M is the appropriate zone for the proposed park. The T3 parcel will be used for park purposes consistent with the remainder of the future park (zoned T3M), and the I1 parcel will

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seconded by _____
in favor _____
against _____

allow the railroad right-of-way to have the same zoning classification as the adjacent industrial land.

3. The proposed zoning is consistent with the Comprehensive Plan. The Parks and Recreation chapter contains the following relevant strategies:
 - 2.2 Ensure attractive, functional and engaging four-season public spaces.
 - 2.4 Design parks and facilities for appropriate community gathering or festival opportunities based on park location, size and function.
 - 4.4 Provide activities and programming for alternative, emerging recreation trends, particularly those that meet the recreational needs of youth.The Land Use chapter contains the following relevant strategies (Victoria Park is identified as a proposed Neighborhood Center, and W. 7th is identified as a Mixed-Use Corridor):
 - 1.2 Permit high-density residential development in Neighborhood Centers, Mixed-Use Corridors, the Central Corridor and Downtown.
 - 1.14 Plan for growth in Neighborhood Centers.
 - 1.17 Promote a place, amenity or activity that serves as a community focus and emphasizes the special identity of individual Neighborhood Centers.
 - 1.23 Guide development along Mixed-Use Corridors.
 - 1.24 Support a mix of uses on Mixed-Use Corridors.
4. The proposed zoning is compatible with the remainder of the zoning in the Victoria Park Urban Village, as well as with the zoning along W. 7th Street. From the time the *Victoria Park Master Plan* was adopted in 2005, concurrent with rezoning approximately half of the urban village to T3M, it has always been the intent of the community, Planning Commission and City Council to rezone the other (approximately) half of the urban village to T3M.
5. The T3 zone has a minimum FAR requirement of .5. PED staff and the Zoning Administrator agree that it was never the intention of the Zoning Code to require parks in any TN zone to comply with the minimum FAR requirement. A minor text amendment will be forwarded to the Planning Commission and City Council subsequent to this rezoning application to exempt public parks from the FAR requirement in all TN zones. In the meantime, and for the purposes of this rezoning and future development of the park in the urban village, the Zoning Administrator has determined that it is reasonable to interpret the code as it was intended, not to require parks in TN zones to meet the minimum FAR requirement.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of the Saint Paul Housing and Redevelopment Authority for a Rezoning from I3 Restricted Industrial to T3M Traditional Neighborhood (Master Plan), T3 Traditional Neighborhood and I1 Light Industrial for property at 852 Hathaway St be approved.

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, the Saint Paul Department of Planning and Economic Development, File # 11-239-001, has applied for a major modification of the *Victoria Park Master Plan* under the provisions of § 66.345(c)(2) of the Saint Paul Legislative Code, on property located at 852 Hathaway St, Parcel Identification Numbers (PIN) 142823120011, 142823130003, 142823240003, 142823210033, and 142823120027. legally described as Section 14 Town 28 Range 23 Ex C M St P & P Rr 100 Ft R/w, The Fol; Lots 1 Thru 5 & Lots 7 & 8 Blk 2 J N Rogers' 2nd Add & Beg On L 500 Ft Swly & Par To Swly L Riverside Add No.2 At Low Water L Miss Riv Th Nwly On Sd Par L To Pt Int With N L Of S 600 Ft O; Section 14 Town 28 Range 23 The N 780 Ft Of Govt Lot 2 Lying Ely Of A L Desc As Beg At Intersection Of S L Of N 780 Ft & Sely Line Of Crosby Lake Business Park 2nd Add Th N 31 Deg 55 Min 46 Sec Ne 103.61 Ft; Mol Th N 51 Deg 26 Min 12 Sec Ne 213.58 Ft; Th N 29 Deg 55 Min 17 Sec Ne 91; Section 14 Town 28 Range 23 A 7300 Sq Ft Mol Lease Located Under Ry Bridge No L-1604 On A 100 Ft Ry R/w Across The Nw 1/4 Of Sec 14 Tn 28 Rn 23; J N Rogers Second Addition Lot 6 Blk 2; and Section 14 Town 28 Range 23 Ex 53500 Sq Ft Lease No.24589 & Ex Lease 24637; Subj To Rd Esmt, A 100 Ft Ry R/W Across West End Addn Reg Land Survey No.330 Govt Lots 1 & 2 And In Ne 1/4 Of Nw 1/4 The Cl Desc As Beg On N Line Of Sd Govt Lot 1 Dist 112.37 Ft; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 30, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The *Victoria Park Master Plan* was first adopted by the Saint Paul City Council in April 2005, along with rezoning approximately half of the Victoria Park Urban Village to T3M. The *Victoria Park Master Plan* lays out a vision of a pedestrian-friendly, transit-oriented community that provides a range of housing choices and prices; a new neighborhood park; a system of connected neighborhood streets for bicycles, pedestrians and cars; and an improved connection to the Mississippi River.
2. Rezoning of the remaining half of the urban village to T3M was delayed pending resolution of a lawsuit filed by the then-owner, Exxon Mobil. The lawsuit was settled in 2009, and the subsequent settlement restricts future use of the formerly-Exxon land to park purposes only. The Master Plan, however, shows the formerly-Exxon land developed with a range of housing types and a small central green.
3. Sec. 66.344(c) notes that major modifications to an approved master plan may be initiated by the City Council, Planning Commission, or any person having an ownership

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or leasehold interest in property that is the subject of the proposed modification. Major modifications are defined as changes of 10% or more in land area designated in a specific category; creation of a new public street or removal of a public street segment; removal of a park or open space area; or addition or removal of an entire block. Major modifications may be approved by City Council resolution following Planning Commission review, public hearing and recommendation.

4. Based on the land use restrictions for the formerly-Exxon land, which will allow only park use of the approximately 37 acres, as well as a proposal by Nova Academy to build a charter school across the street from the new park, the following major modifications to the *Victoria Park Master Plan* are required:
 - a. a change in future land use from residential to park, including the removal of several streets that had been master-planned (but not built) to serve proposed residential development (Exxon settlement);
 - b. a change in future land use from residential to institutional (Nova Academy); and
 - c. removal of a one-block segment of Mercer Street and a one-block segment of Madson Street that had been master-planned (but not built) to serve proposed residential development (Nova Academy).
5. In addition, staff is recommending some minor text changes to explain and support the evolution of the urban village over time, as the realities of a market downturn and legal settlement play out.
6. These master plan modifications are being advanced at the same time as, but separately from, an application to rezone the undeveloped half of the Victoria Park Urban Village from I3 to T3M. By recommendation of the City Attorney's Office, the rezoning and master plan modifications are proceeding concurrently.
7. The proposed modifications are consistent with the Comprehensive Plan. The Land Use chapter contains the following relevant strategies (Victoria Park is identified as a proposed Neighborhood Center, and W. 7th is identified as a Mixed-Use Corridor):
 - 1.2 Permit high-density residential development in Neighborhood Centers, Mixed-Use Corridors, the Central Corridor and Downtown.
 - 1.14 Plan for growth in Neighborhood Centers.
 - 1.17 Promote a place, amenity or activity that serves as a community focus and emphasizes the special identity of individual Neighborhood Centers.
 - 1.23 Guide development along Mixed-Use Corridors.
 - 1.24 Support a mix of uses on Mixed-Use Corridors.The Parks and Recreation chapter contains the following relevant strategies:
 - 2.2 Ensure attractive, functional and engaging four-season public spaces.
 - 2.4 Design parks and facilities for appropriate community gathering or festival opportunities based on park location, size and function.
 - 4.4 Provide activities and programming for alternative, emerging recreation trends, particularly those that meet the recreational needs of youth.
8. The proposed modifications are consistent with the core design and planning principles of the *Victoria Park Master Plan*, including providing a central public green as an important gathering place for the neighborhood, and maintaining access to the Mississippi River and Sam Morgan Regional Trail.
9. The proposed modifications are consistent with development in the rest of the Victoria Park Urban Village and other adjacent parcels. The proposed park will serve residential development in both the urban village and the larger neighborhood. The

charter school is an appropriate addition to the land use mix in the Victoria Park Urban Village.

10. The proposed modifications are consistent with the intent of the T3 Traditional Neighborhood district, including a mix of residential, commercial, civic and open space uses in close proximity to one another; a system of interconnected streets and paths; and a system of open space resources and amenities.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to City Council that the application of the City of Saint Paul Department of Planning & Economic Development for the following major modifications of the *Victoria Park Master Plan* for property at 852 Hathaway St be approved:

1. a change in future land use from residential to park, including the removal of several streets that had been master-planned (but not built) to serve proposed residential development (Exxon settlement);
2. a change in future land use from residential to institutional (Nova Academy);
3. removal of a one-block segment of Mercer Street and a one-block segment of Madson Street that had been master-planned (but not built) to serve proposed residential development (Nova Academy); and
4. minor text changes to explain and support the evolution of the urban village over time.

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, the City of Saint Paul, File # 11-143-721, has applied for a Rezoning from OS Office-Service to B2 Community Business under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 745 White Bear Ave N, Parcel Identification Number (PIN) 272922440072, legally described as Kuhls 2nd Addition E 6 Ft Of Lot 2 And All Of Lot 1 Blk 4; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 30, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The City of St. Paul is proposing to sell the 745 White Bear Avenue parcel to Nicole Cherry. Ms. Cherry, the owner of the Cherry Pit Bar at 735 White Bear Avenue, intends to use the parcel as supplemental parking for the Cherry Pit Bar. The parcel is currently zoned Office Service (OS). Since the parking lot would be an accessory use to the bar and is not permitted in a more restrictive zone, the City of St. Paul has applied to rezone the property B2. An alley runs between 745 White Bear Avenue and 735 White Bear Avenue.
2. The proposed zoning (B2) is consistent with the way the area developed. Although immediately adjacent to properties with single-family residential zoning to the north, west and east, all four corners of the intersection of Minnehaha and White Bear Avenue to the south are commercial, as well as many properties farther north along the White Bear Avenue corridor. The proposed B2 zoning also permits future re-use of the property for other commercial purposes.
3. The proposed zoning is consistent with the Comprehensive Plan. The Land Use Chapter identifies White Bear Avenue between Case and Minnehaha as a mixed-use corridor. The 2001 White Bear Avenue Small Area Plan encourages providing additional off-street parking for businesses.
4. The proposed zoning is compatible with the surrounding uses. The properties directly south and to the east are zoned B2. The lot is below grade.
5. Rezoning the property to B2 would not be considered spot zoning because it does not establish a use classification that is inconsistent with the surrounding uses. There is a B2 commercial district adjacent to the property to the south and another one along the east side of White Bear Avenue a few blocks to the north.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission, recommends to City Council, that the application of the City of Saint Paul for a Rezoning from OS Office-Service to B2 Community Business for property at 745 White Bear Ave N be approved.

moved by _____
seconded by _____
in favor _____
against _____

city of saint paul
planning commission resolution
file number
date

WHEREAS, Nicole Cherry, Cherry Pit Bar and Grille, File # 11-143-927, has applied for variances of parking lot and driveway setback standards for an 8-space parking lot under the provisions of §61.202(b) of the Saint Paul Legislative Code, on property located at 745 White Bear Ave N, Parcel Identification Number (PIN) 272922440072, legally described as Kuhls 2nd Addition E 6 Ft Of Lot 2 And All Of Lot 1 Blk 4; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 30, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. Nicole Cherry is in the process of purchasing 745 White Bear Avenue from the City of St. Paul for use as an accessory 8-space parking lot to the Cherry Pit Bar and Grille at 735 White Bear Avenue. The City of St. Paul has concurrently applied to rezone 745 White Bear Avenue from OS Office Services to B2 Community Business.
2. Section 63.310(c) states that *[e]ntrances and exits to and from all parking facilities located in land zoned other than RL -RT2 shall be at least twenty-five (25) feet from any adjoining property in RL—RT2 zoning districts.* Section 63.310(d) states that *[e]ntrances and exits to and from a parking facility shall be at least thirty (30) feet from the point of intersection of curblines of any two (2) or more intersecting streets.* The proposed entrance is 30 ft. from the intersection of Reaney and White Bear Avenue, but is only 6 ft. from the adjoining residential property. The applicant is applying for a variance to decrease the setback requirement from residential uses from 25 feet to 6 feet.

Section 63.314(a) states: *A landscaped yard at least four (4) feet wide along the public street or sidewalk. If vehicles overhang the yard, an additional three (3) feet of width shall be provided.* The second variance is to decrease the set back requirement on the east side of the lot from 7 feet to 4 feet.

3. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are as follows:

(a) *The variance is in harmony with the general purposes and intent of the zoning code.*

This finding is met. The variances are in harmony with the intent of zoning code section 60.103 which defines the purpose of the code as "to lessen congestion in the public streets by providing for off-street parking of motor vehicles and for off-street loading and unloading of commercial vehicles".

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- (b) *The variance is consistent with the comprehensive plan.*

This finding is met. The comprehensive plan identifies White Bear Avenue between Case and Minnehaha as a mixed-use corridor, and the 2001 White Bear Avenue Small Area Plan encourages increased off-street parking.

- (c) *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.*

This finding is met. When the intersection of White Bear Avenue and Minnehaha was widened in accordance with the 2001 White Bear Avenue Small Area Plan, the city retained an easement on the east 5 feet of the property. Thus, the width of the property available for parking lot use is not enough to comply with both the 25-foot driveway setback requirement from residential property and the 30-foot setback requirement from intersections. Also because of the reduced lot width, the east side setback requirement of 7 feet from Minnehaha Avenue would make it infeasible to have parking spaces, a drive/maneuvering lane and the necessary green space that all meet code requirements.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

This finding is met. The width of the lot, the result of the widening of White Bear Avenue and the subsequent easement, was not created by the new landowner, Ms. Cherry.

- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located*

This finding is met. With the concurrent rezoning of the land from OS to B2, the variance will not permit any use that is not currently allowed in the zoning district. Restaurants and bars are a permitted use in B2.

- (f) *The variance will not alter the essential character of the surrounding area.*

This finding is met. The variance will not alter the character of the surrounding area. The lot is below the grade of the residential lot to the west, and there will be a fence on top of the retaining wall between the two lots, which helps separate the parking lot from the adjacent residential use. There are commercial enterprises to the south and another parking lot across White Bear Avenue to the east. The 4 foot set-back requirement would allow for a fence to be built along White Bear Avenue which would buffer the use from White Bear Avenue

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Nicole Cherry, Cherry Pit Bar and Grille for variances of parking lot and driveway setback standards for an 8-space parking lot at 745 White Bear Ave N is hereby approved subject to the condition that, as a part of site plan review, the parking lot exit onto Reaney Avenue is signed for right turn only.

city of saint paul
planning commission resolution
file number
date

WHEREAS, Allan and Bernetta Miller, File # 11-235-029, have applied for a Re-establishment of nonconforming use as a triplex at 998 E. 7th St. under the provisions of §62.19(d) of the Saint Paul Legislative Code, on property located at 998 7th St E, Parcel Identification Number (PIN) 282922340023, legally described as Terrys Addition W 1/2 Of Lot 11 And All Of Lot 12 Blk 13; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 30, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The building at 998 E. 7th St. has been owned and maintained as a triplex since 1951, a period of 60 years. Residential structures are not permitted in the B3 General Business District. The parcel also includes a commercial building addressed as 1000 E. 7th St., which is not part of this application.
2. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The structure was built as a dwelling and as such can not be used as a business without the applicant incurring significant costs.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is met. Although this property is zoned B3, there are many properties in the zone that are single and multiple-family homes, including the immediately adjacent properties.
 - (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The use is consistent with the character of development in the immediate neighborhood, which is primarily single family homes and duplexes and triplexes.
 - (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The 1986 District Plan calls for preservation of quality rental housing.
 - (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on 6/6/2011: 7 parcels eligible; 5 parcels required; 5 parcels signed.
 - (6) The application for the permit shall include the petition, a site plan meeting the requirements of

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seconded by _____
in favor _____
against _____

section 61.401, floor plans, and other information as required to substantiate the permit. This finding is met. The application is complete.

3. The Planning Commission has established guidelines for applications for nonconforming use permits for triplexes. While not themselves requirements, these guidelines lay out additional more objective factors the Planning Commission wishes to consider in determining if the required findings for granting nonconforming use permits listed in §62.109 of the Zoning Code can be made. The Planning Commission's Triplex Conversion Guidelines state that for applications for nonconforming use permits for duplexes in residential districts, staff will recommend denial unless the following guidelines are met. In this case, this triplex is in the B3-Business district, and not in a residential district, so staff has more flexibility in making a recommendation.

A. *Lot size of at least 6,000 square feet with a lot width or front footage of 50 feet.* This guideline is met. The lot size, including 1/2 the alley, is 6,273 square feet with a lot frontage on 7th St. E of 90 feet.

B. *Gross living area, after completion of triplex conversion, of at least 2,100 square feet. No unit shall be smaller than 500 square feet.* This guideline is partially met. Each unit is more than 500 square feet (Unit 1 is 567 square feet; Unit 2 is 576 square feet and Unit 3 is 525 square feet. This is a total of 2,028 square feet, which does not meet the gross living area requirement of at least 2,100 square feet. However, the minimum unit size is exceeded, and the total living area appears adequate.

C. *Four off-street parking spaces (non-stacked) are preferred; three spaces are the required minimum.* This finding is not met. However, there is ample on-street parking in the neighborhood. Most of the surrounding properties have garages and there is one space available at the commercial building to the east of the triplex. In this instance sufficient evidence has been provided that the use has been in existence since at least 1951 without creating congestion in the street, therefore on-street parking for the three units is adequate.

- D. *All remodeling work for the triplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle).* This finding is met. All of the remodeling work will be done on the inside of the structure.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of for a Re-establishment of nonconforming use as a triplex at 998 E. 7th St. at 998 7th St E is hereby approved subject to the condition that the applicant adhere to all applicable code requirements and receives a certificate of occupancy for a three-unit building.

city of saint paul
planning commission resolution
file number
date

WHEREAS, Traditions SP Land LLC, File # 11-238-488, has applied for a Conditional Use Permit for a 170-unit assisted living facility under the provisions of §65.182 of the Saint Paul Legislative Code, on property located at 1554 Midway Pkwy, Parcel Identification Number (PIN) 222923330018, legally described as Lake Park Addition Subj To Midway Pkwy The Vac Alley In And All Of Blk 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 30, 2011, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant has recently purchased the now vacant building at 1554 Midway Parkway formerly occupied by the Sholom Home nursing home. The applicant proposes renovation of the building for re-use as a 170-unit assisted living facility.
2. §65.182 lists standards and conditions for nursing homes and assisted living:
 - (a) *The yard requirements for multiple-family use in the district apply.* This condition is met. For the RM2 Multiple-family district, the front yard setback requirement is 25 feet, subject to adjustment based on the average setback of the majority of existing structures on the block, and the side and rear yard setbacks are ½ of building height. The property at 1554 Midway Parkway is a through lot, with front yards along both Midway Parkway and Canfield Avenue. The existing building meets the front yard setback requirement from Midway Parkway. Nonconforming setbacks from Arona Street, Canfield Avenue, and Snelling Avenue for the existing building, which will be unchanged, as well as for the existing parking in the front yard along Canfield Avenue, meet the yard requirements of the RM2 Multiple-family district because they are *legal nonconforming setbacks*.
 - (b) *In traditional neighborhood development districts, a facility located within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.* This condition does not apply; the subject property is not located in a traditional neighborhood development district.
 - (c) *In traditional neighborhood development districts, the site shall contain a minimum of one hundred fifty (150) square feet of green space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.* This condition does not apply; the subject property is not located in a traditional neighborhood development district.

moved by _____
seconded by _____
in favor _____
against _____

3. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The proposed use is consistent with policy 3.2 of the Housing Chapter of the Comprehensive Plan, to support new housing opportunities for low-income households throughout the City and with policy 2.18 of the same, to support the expansion of housing choices for seniors. The use is also consistent with the District 10 plan, which calls for providing lifecycle housing within the neighborhood.
- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Due to the nature of the use, it is anticipated that the project will generate less vehicular traffic from resident owned vehicles as compared to a multi-family building of the same size for the general population. Midway Parkway, classified as a collector street, has a service street along the entire block occupied by the subject property, via which transportation providers can access a vehicle pull-through for passenger pick-up and drop-off.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The use is similar in character to the previous use of the building as a nursing home, and will re-occupy a currently vacant building.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use will re-occupy a vacant building with a use compatible with the surrounding residential properties.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Traditions SP Land LLC for a Conditional Use Permit for a 170-unit assisted living facility at 1554 Midway Pkwy is hereby approved.

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, June 30, 2011 3:30 P.M.
City Council Chambers, Room #300
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF JUNE 16, 2011, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

NEW BUSINESS

- 1 11-238-977 Victoria Park II**
Rezoning from I3 Restricted Industrial to T3M Traditional Neighborhood (Master Plan)
and T3 Traditional Neighborhood and I1 Light Industrial
852 Hathaway St, Area bounded by 35E, Shepard Rd, Otto, and Adrian St.
I3
Lucy Thompson 651-266-6578
- 2 11-239-001 Victoria Park Master Plan Modification**
Major modification of the Victoria Park Master Plan
852 Hathaway St, Area bounded by 35E, Shepard Rd, Otto, and Adrian St.
I3
Lucy Thompson 651-266-6578
- 3 11-143-721 City of St. Paul**
Rezoning from OS Office-Service to B2 Community Business
745 White Bear Ave N, SW corner at Reaney
OS
Matt Wolff 651-266-6708
- 4 11-143-927 Nicole Cherry**
Variances of parking lot and driveway setback standards for an 8-space parking lot
745 White Bear Ave N, SW corner at Reaney
OS
Matt Wolff 651-266-6708
- 5 11-235-029 Allan and Bernetta Miller**
Re-establishment of nonconforming use as a triplex at 998 E. 7th St.
998 7th St E, SE corner at Cypress
B3
Kate Reilly 651-266-6618
- 6 11-238-488 Traditions SP Land LLC**
Conditional use permit for a 170-unit assisted living facility
1554 Midway Pkwy, between Snelling and Arona
RM2
Josh Williams 651-266-6659

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.